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### REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1 and 17 have been revised. New claims 23 and 24 have been added. Support for the revisions and new claims can be found at, e.g., Figs. 1, 2A-B, 3, 4A and 5-7, among other places. Claims 1-24 are pending in the application.

#### Claim Rejections – 35 USC § 102

Claims 1 and 17 are rejected under 35 USC § 102(b) as being anticipated by Mauze et al. (US 6,210,420). Applicants respectfully traverse this rejection.

Claim 1 requires a housing that is provided with an inner space arranged to allow a moving member to move therein in an advancing direction and in a retreating direction opposite to the advancing direction. Claim 1 further requires that the inner space of the housing include a first space which is offset in the retreating direction from a portion of the housing contacting with the moving member, and a second space which is offset in the advancing direction from the portion of the housing contacting with the moving member, wherein the moving member is moved in the retreating direction to be brought to a standby position by a pressure difference produced between the first space and the second space. That is, the present inner space, in which the moving member is allowed to move, includes a first space and a second space. The present arrangement allows the moving member to be brought to the standby position by a pressure difference produced between the first space and the second space.

Mauze et al. fail to disclose an inner space including a first space and a second space, which is arranged to allow a moving member to move therein, wherein the moving member is moved in the retreating direction to be brought to a standby position by a pressure difference produced between the first space and the second space, as required by claim 1. Instead, Mauze et al. merely discuss a technique of reducing pressure on body tissue (see Mauze et al., Abstract). The rejection refers to Fig. 1 as disclosing the first and second spaces required by claim 1. Specifically, the rejection refers to a head channel 156 as suggesting the first space required by claim 1. However, as clearly described at col. 4, line 64 to col. 5, line 4, a piston 114 is pulled backward by an electric

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motor 166 by means of a cord 168 on a spool 170 to cock a stem 128 against a spring 140, where a trigger 172 is used to initiate the backward pulling of the piston 114 by the motor 166 (see Mauze et al., Figs. 1-3 and 5). That is, the piston 114 in Fig. 1 of Mauze et al. is pulled backward by the electric motor 166 by means of a cord 168, rather than by a pressure difference between first and second spaces. Therefore, Fig. 1 of Mauze et al. does not disclose the invention of claim 1.

The rejection further refers to chambers 184 or 190 as disclosing the first space required by claim 1 and refers to chamber 202 as disclosing the second space required by claim 1 (see Mauze et al., Fig. 7). However, Fig. 7 illustrates a lancing device having a tubular shell 176 in which a piston 178 can freely slide (see Mauze et al., col. 5, lines 36-37 and Figs. 7 and 8). The chamber 202 in Mauze et al. in fact is not located in the same inner space as the chambers 184, 190 where the piston 178 is allowed to move therein. Rather, the chamber 202 is separated from the space where the piston 178 is allowed to move therein by a diaphragm 179 (see Mauze et al., col. 5, lines 35-65). Therefore, Fig. 7 of Mauze et al. does not disclose the invention of claim 1, either.

Moreover, nor could the chambers 184 and 190 could be considered as the first and second spaces as required by claim 1. The chambers 184 and 190 have a bore or passage 181 therebetween to allow air to pass therethrough. In fact, the air pressure on the two sides of the piston 178 is equilibrated (see Mauze et al., col. 5, lines 42-44). The piston 178 would by no means be moved by a pressure difference produced between the chambers 184 and 190.

For at least these reasons, claim 1 is patentable over Mauze et al.

Claim 17 is patentable over Mauze et al. for reasons similar to those discussed above for claim 1. Claim 17 requires an inner space that allows a moving member to move therein. Claim 17 further requires that the inner space be divided into a first space offset in a retreating direction and a second space offset in an advancing direction, wherein the moving member is moved in the retreating direction to be brought to a standby position by a pressure difference produced between the first space and the second space. Mauze et al. fail to disclose such an arrangements as required by claim 17. For at least these reasons, claim 17 is patentable over Mauze et al.

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Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

### **Claim Rejections – 35 USC § 103**

Claims 1-22 are rejected under 35 USC 103(a) as being unpatentable over Sato et al. (US 7,131,984) in view of Mauze et al. Applicants respectfully traverse this rejection.

Claim 1 requires a housing that is provided with an inner space including a first space and a second space, wherein a moving member is moved in a retreating direction to be brought to a standby position by a pressure difference produced between the first space and the second space. That is, the present moving member is moved within the inner space of the housing, where the inner space includes the first space and the second space.

Sato et al. fail to teach or suggest the arrangement as required by claim 1. Instead, Sato et al. merely discuss a lancing device A1 including a housing 2, a moving body 1 movable relatively to the housing 2 for forward movement of a needle 10b, and a pump mechanism 3 capable of causing a vacuum to act inside a pressing portion of the housing 2 (see Sato et al., Abstract). The rejection relies on a cylinder 31 of a pump mechanism 3 in Sato et al., a pressure chamber 30 and space 21 as suggesting the moving member, the first space and the second space required by claim 1, respectively. However, neither the cylinder 31 of the pump mechanism nor the space 21 is located inside an inner space of the housing 2. Moreover, col. 7, lines 4-22 merely discuss how the pump mechanism 3 works to cause a vacuum in the space 21 of the housing. Specifically, col. 7, lines 4-22 merely discuss how valves 33A, 33B work with the pressure chamber 30 to pump the air out of the space 21 through the pressure chamber 30. The movement of the cylinder 31 in directions N1, N2 is not driven by a pressure difference between the pressure chamber 30 and the space 31. On the other hand, it is the movement of the cylinder 31 that causes the air to be discharged from the space 21 to the pressure chamber 30 (see Sato et al., col. 7, lines 2-22 and Figs. 5 and 6)).

Mauze et al. do not remedy the deficiencies of Sato et al. as discussed above. For at least these reasons, claim 1 is patentable over Sato et al. in view of Mauze et al.

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Claims 2-16 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claim 17 is patentable over Sato et al. and Mauze et al. for reasons similar to those discussed above for claim 1. Claim 17 requires an inner space that allows a moving member to move therein. Claim 17 further requires that the inner space be divided into a first space offset in a retreating direction and a second space offset in an advancing direction, wherein the moving member is moved in the retreating direction to be brought to a standby position by a pressure difference produced between the first space and the second space. Sato et al. fail to disclose such an arrangements as required by claim 17. For at least these reasons, claim 17 is patentable over Sato et al. Claims 18-22 depend ultimately from claim 17 and are patentable along with claim 17 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

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In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.

Respectfully submitted,



HAMRE, SCHUMANN, MUELLER &  
LARSON, P.C.  
P.O. Box 2902-0902  
Minneapolis, MN 55402-0902  
(612) 455-3800

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By:   
Douglas P. Mueller  
Reg. No. 30,300

DPM/cy